

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Paul Eric O'Connor,  
  
Debtor.

HEARING DATE: **September 14, 2023**  
HEARING TIME: **9:05 AM**  
LOCATION: **Videoconference (ZoomGov)**

**Case No.: 23-11162-cgm**

**Chapter 13**

**Judge: Cecelia G. Morris**

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**OBJECTION TO CONFIRMATION OF**  
**DEBTOR'S CHAPTER 13 PLAN**

PHH Mortgage Corporation (the "Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan, and states as follows:

1. Debtor, Paul Eric O'Connor ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on July 25, 2023.
2. Secured Creditor holds a security interest in the Debtor's real property located at 5955E 10<sup>th</sup> Ave, Denver, CO 80220, by virtue of a Mortgage duly recorded on February 9, 2022 in the Office of the Denver County Clerk, CO in Instrument No. 2022019355. Said Mortgage secures a Note in the amount of \$276,250.00.
3. The Debtor filed a Chapter 13 Plan (the "Plan") on July 25, 2023 (Doc No. 4).
4. It is anticipated that Secured Creditor's claim will show the pre-petition arrears due to be not less than \$ 1,569.18 (Proof of Claim due by October 3, 2023). Debtor's Plan proposes to pay \$0.00. Secured Creditor objects to any plan which proposes to pay it anything less than \$1,569.18 as the pre-petition arrearage over the life of the plan. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and (b)(5) and 1325(a)(5) and cannot be confirmed as it does not meet the requirements of 11 U.S.C. § 1325(a)(1).
5. The Plan fails to identify the mortgage claim or provide for treatment of Secured Creditor's claim. The Plan does not reference the mortgaged property and does not provide for

surrender or sale of the property. The Debtor's Schedules do state the property is owned by the Debtor and does list the mortgage debt.

6. The Plan fails to meet the requirements of 11 U.S.C. § 1322(b)(3) and (b)(5) and 1325(a)(5) with respect to the Secured Creditor's claim and the subject mortgage, and therefore, fails to meet the confirmation requirements of 11 U.S.C. § 1325(a)(1)

**WHEREFORE**, Secured Creditor objects to confirmation of the Plan and respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Dated: August 8, 2023

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on August 8, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

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PAUL ERIC O'CONNOR  
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Date: August 8, 2023

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